

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

ORIGINAL

75-1290

B
P/S

United States Court of Appeals

For the Second Circuit.

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

RUSSELL KELNER,

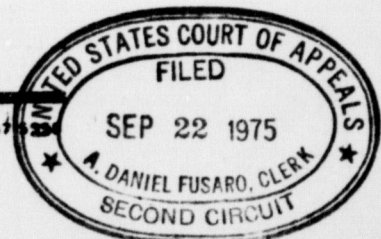
Defendant-Appellant.

*On Appeal From The United States District Court
For The Southern District Of New York*

SUPPLEMENTAL APPENDIX

NATHAN LEWIN
Attorney for Defendant-Appellant
2555 M Street, N.W.
Washington, D.C. 20037
(202) 293-6400

Dick Bailey Printers • P.O. Box X, Staten Island, N.Y. 10302 • Tel.: (212) 447-5200



PAGINATION AS IN ORIGINAL COPY

INDEX TO
SUPPLEMENTAL APPENDIX

	<u>Page</u>
Notice of Appeal	SA1
Indictment	SA2
Judgment and Commitment	SA3

UNITED STATES OF AMERICA

Docket Number 75 Cr. 200

-against-

Hon. Richard Owen

(District Court Judge)

RUSSEL KELNER,
Defendant.NOTICE OF APPEAL

Notice is hereby given that Russel Kelner, the defendant herein, appeals to
 the United States Court of Appeals for the Second Circuit from the ☒ Judgment ☐ order ☐ other
 (specify) _____ entered in this action on July 9, 1975
 (Date)

Def'ts address
 646 Argyle Road
 Brooklyn, N.Y. 11230

Date July 17, 1975

To: Hon. Raymond Burghardt
 Clerk of the Court
 Southern District of New York

Address

RALPH S. NADEN
 (Counsel for Appellant)

253 Broadway
 New York, N.Y. 10007

Hon. Paul Curran

Phone Number

964-1998

United States Attorney, SDNY

ADD ADDITIONAL PAGE IF NECESSARY

FILED
 U.S. DISTRICT COURT
 S.D. OF N.Y.
 JUL 16 2 22 PM '75

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

75 CRIM. 200

UNITED STATES OF AMERICA

-v-

RUSSELL KELNER,

Defendant.

INDICTMENT

75 Cr.

FEB 27 1975

S. D. OF N. Y.

The Grand Jury charges:

On or about the 11th day of November, 1974,
in the Southern District of New York, RUSSELL KELNER,
the defendant, unlawfully, wilfully and knowingly
transmitted and caused to be transmitted in interstate
commerce a communication containing a threat to injury
the persons of others, to wit, to assassinate Yasir
Arafat and others associated with him.

(Title 18, United States Code, Section 875(c)
and Section 2.)

FOREMAN

PAUL J. CURRAN
United States Attorney

A TRUE COPY
RAYMOND F. BURGHARDT, Clerk

By Raymond F. Burghardt
Deputy Clerk

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
7	9	75

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Ralph Naden, esq.

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☐ NOT GUILTY

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

**FINDING &
JUDGMENT**

Defendant has been convicted as charged of the offense(s) of unlawfully, wilfully and knowingly transmitted and caused to be transmitted in interstate commerce a communication containing a threat to injure the persons of others, to wit, to assassinate Yasir Arafat and others associated with him.

(Title 18, U.S. Code, Section 875(c) and Section 2.)

**SENTENCE
OR
PROBATION
ORDER**

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of ONE(1) YEAR

The EXECUTION of said sentence is hereby SUSPENDED and the defendant is placed on PROBATION for a period of FOUR(4) YEARS, subject to the standing probation order of this Court.

The defendant is FINED the sum of \$1,000.00, to be paid or the defendant is to stand COMMITTED until the fine is paid or he is otherwise discharged according to law.

**ADDITIONAL
CONDITIONS
OF
PROBATION**

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

**COMMITMENT
RECOMMEN-
DATION**

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

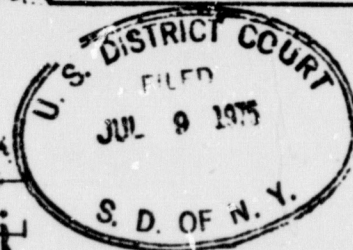
☒ U.S. District Judge

☐ U.S. Magistrate

RICHARD OWEN

Date

7-9-75



STATE OF NEW YORK)
: SS.
COUNTY OF RICHMOND)

ROBERT BAILEY, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N.Y. 10302. That on the 25 day of Sept, 1975 deponent served the within app upon Mr. Attorneys

attorney(s) for appellee

in this action, at Mr. Southouse
Foley St
NYC.

the address(es) designated by said attorney(s) for that purpose by depositing 3 true copies of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

[Signature]
ROBERT BAILEY

Sworn to before me, this 25 day of Sept, 1975.

William Bailey
WILLIAM BAILEY

Notary Public, State of New York
No. 43-0132945

Qualified in Richmond County
Commission Expires March 30, 1976